STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

The Lane Construction Corporation
Hancock County
Hancock, Maine
A-49-71-M-R/A(SM)

Departmental
Findings of Fact and Order
Air Emission License

After review of the air emission license renewal application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., § 344 and § 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

1. The Lane Construction Corporation (Lane), located in Hancock, Maine has applied to renew their Air Emission License, permitting the operation of their hot mix asphalt plant, and their crushed stone and gravel facility.

2. Lane has requested an update to their license to remove the concrete batch plant.

3. The equipment addressed in this license is located at Washington Junction Road, Hancock, Maine.

B. Emission Equipment

Asphalt Plant

Equipment	Process Rate (tons/hour)	Design Capacity Firing Rate	Control Devices	Stack ID	Date of Manu-facture
Rotary Dryer	240	96.0 MMBtu/hr, #2 fuel oil, 0.5% S, and specification waste oil,0.7%S	Baghouse	28	Pre-1973

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

Heating Equipment

Equipment	Maximum Capacity MMBtu/hr	Fuel Type	Maximum Firing Rate gal/hr
HYCO 200 Heater	2.0	#2 fuel oil 0.5% S; spec. waste oil, 0.7% S	14.6

Rock Crushers

Designation	Process Rate (tons/hour)	Date of Manufacture	Control Device
PRI2536TEL	125	Pre-1973	Spray Nozzles
SEC4SY	125	1986	Spray Nozzles
SEC48TEL	125	1988	Spray Nozzles

C. Application Classification

The application for Lane does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a renewal of current licensed emissions units only per *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115 (last amended December 24, 2005).

With the fuel limit on the Asphalt Plant and the Hyco Heater, Lane is licensed below the major source thresholds and is considered a synthetic minor

II. BEST PRACTICAL TREATMENT

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (last amended December 24, 2005). Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Asphalt Plant

The Asphalt Plant was manufactured prior to 1973 and is therefore not subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities manufactured after June 11, 1973.

The Asphalt Plant fires ASTM D396 #2 fuel oil, with a maximum sulfur content of 0.5% by weight, and specification waste oil, with a maximum sulfur content of 0.7% by weight. Combined fuel use in the Asphalt Plant and HYCO 200 heater shall not exceed 750,000 gallons per year based on a 12- month rolling total.

To meet the requirements of Best Practical Treatment (BPT) for the control of particulate matter (PM) emissions, the Asphalt batch plant shall vent to a baghouse. Opacity from the Asphalt Plant baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period.

Based on the above Asphalt Plant process rate, the maximum emission rate from the asphalt baghouse shall be limited to 0.03 grs/dscf (11.05 lb/hr).

The performance of the baghouse shall be constantly monitored by either one of the following at all times the rotary dryer is operating:

1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.

2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the hot mix asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

General process emissions from the Asphalt Plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period.

Lane may process up to 10,000 cubic yards per year of soil contaminated with gasoline, #2 fuel oil or virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under *Maine Solid Waste Management Rules*, 06-096 CMR 409 (last amended June 16, 2006). The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin Oil Definition:

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. Rock Crushers

The primary rock crusher PRI2536TEL was manufactured prior to 1973 with a rated capacity of 125 tons per hour. EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants manufactured after August 31, 1983 applies to fixed rock crushers with capacities greater than 25 tons per hour and to portable rock crushers with capacities greater than greater than 150 tons per hour for portable plants constructed after August 31, 1983. An initial performance test was performed on this unit May 21, 2004.

Secondary rock crusher SEC4SY was manufactured in 1986 with a rated capacity of 125 tons per hour. Secondary rock crusher SEC48TEL was manufactured in 1988 with a rated capacity of 125 tons per hour. These units each had an initial performance test carried out on September 20, 1999 in accordance with the applicable sections of 40 CFR 60, Subpart OOO, §60.675.

The regulated pollutant from the rock crushers is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crushers, Lane shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

D. HYCO 200 Heater

The HYCO 200 has a heat input capacity of 2.0 MMBtu/hr and draws fuel from the same tank as the asphalt plant (ASTM D396 #2 fuel oil with a maximum sulfur content of 0.5% by weight and specification waste oil with a maximum sulfur content of 0.7% by weight). The heater has a heat input less than 10 MMBtu/hr and is therefore not subject to NSPS Subpart Dc.

A summary of BPT is detailed below:

1. Combined fuel use in the HYCO 200 heater and the Asphalt Plant shall not exceed 750,000 gallons of fuel per year.
2. 06-096 CMR 106 regulates fuel sulfur content, however, the use of 0.5% sulfur by weight for #2 fuel oil and 0.7% by weight for specification waste oil is BPT.
3. SO_2 emission data is based on fuel sulfur mass balance.
4. PM and PM_{10} emission rates are based on BPT of 0.12 lb/MMBtu.
5. NO_x, CO and VOC emission rates were based on AP-42 data dated 10/98 for boilers with a heat input less than 100 MMBtu/hr.
6. Opacity from the HYCO 200 heater shall not exceed 20% opacity on a six (6) minute block average basis, except for one (1) six (6) minute block average in a 3-hour period.

E. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed 20% opacity, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour.

F. General Process Emissions

Visible emissions from a general process (including conveyor belts) shall not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

G. Facility Emissions

Lane shall be restricted to the following annual emissions, based on a 12-month rolling total and the following limits:

- 750,000 gallons per year of ASTM D396 #2 fuel oil with a maximum sulfur content of 0.5% by weight or specification waste oil with a maximum sulfur content of 0.7% by weight, in the Asphalt Plant and Hyco 200 heater.

Total Licensed Annual Emissions for the Facility
(Used to calculate the annual license fee)

Pollutant	PM	PM_{10}	SO_2*	NO_x	CO	VOC
Tons Per Year	6.0	6.0	37.0	15.8	52.5	1.1

*Asphalt Plant SO_2 TPY is based on firing 0.7% specification waste oil.

III. AMBIENT AIR QUALITY ANALYSIS

According to 06-096 CMR 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

Pollutant	TPY
PM	25
PM_{10}	25
SO_2	50
NO_x	100
CO	250

Based on the above total facility emissions, Lane is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-49-71-M-R/A(SM), subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted:

STANDARD CONDITIONS

(1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions. [06-096 CMR 115]

(2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [06-096 CMR 115]

(3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 CMR 115]

(4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 CMR 115]

(5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. § 353. [06-096 CMR 115]

(6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 115]

(7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]

(8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 CMR 115]

(9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 CMR 115]

(10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 CMR 115]

(11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
   1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
   2. pursuant to any other requirement of this license to perform stack testing.

B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and

C. submit a written report to the Department within thirty (30) days from date of test completion.

[06-096 CMR 115]

(12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 115]

(13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 115]

(14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]

(15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 115]

SPECIFIC CONDITIONS

(16) **Batch Mix Asphalt Plant**

A. Emissions from the Asphalt Plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 CMR 115, BPT]

B. The performance of the baghouse shall be constantly monitored by either one of the following at all times the batch mix asphalt plant is operating [06-096 CMR 115, BPT]:
   1. PM detector – when the detector signals excessive PM concentrations in the exhaust stream, Lane shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
   2. Personnel with a current EPA Method 9 visible emissions certification – when the opacity exceeds 20%, the asphalt plant is operating with insufficient control and corrective action shall be taken immediately.

C. To document maintenance of the baghouse, the license shall keep a maintenance log recording the date and location of all bag failures as well as all routine maintenance. The maintenance log shall be kept on-site at the asphalt plant location. [06-096 CMR 115, BPT]

D. Opacity from the baghouse is limited to no greater than 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a continuous 3-hour period. [06-096 CMR 101]

E. General process emissions from the Asphalt Plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six (6) minute block average basis except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101]

F. Fuel use records and receipts for the Asphalt Plant shall be maintained for at least six years and made available to the Department upon request. A log shall also be maintained recording the quantity and analyzed test results of all specification waste oil in the dryer. [06-096 CMR 115, BPT]

G. Lane shall be limited to the use of 750,000 gallons of ASTM D396 compliant #2 fuel oil with a maximum sulfur content of 0.5% by weight and specification waste oil with a maximum sulfur content of 0.7% by weight, based on a 12-month rolling total, in the Asphalt Plant and the HYCO 200 heater. Emissions from the baghouse shall not exceed the following [06-096 CMR 115, BPT]:

Pollutant	grs/dscf	lb/hr
PM	0.03	11.05
PM_{10}	-	11.05
SO_2	-	67.68
NO_X	-	28.80
CO	-	96.00
VOC	-	1.97

H. Lane may process up to 10,000 cubic yards per year of soil contaminated with gasoline, #2 fuel oil or virgin oil as defined by the Bureau of Air Quality without prior approval from the Bureau of Air Quality. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

I. Lane shall not process soils which are classified as hazardous waste or which have unknown contaminants. [06-096 CMR 115, BPT]

J. When processing contaminated soils, Lane shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Lane shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [06-096 CMR 115, BPT]

K. Lane shall notify the Bureau of Air Quality regional inspector at least 7 days prior to processing soil contaminated with anything other than #2 fuel oil or gasoline. [06-096 CMR 115, BPT]

(17) **Rock Crushers**

A. Lane shall install and maintain spray nozzles for particulate control on all Rock Crushers and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [06-096 CMR 115 (BPT) and 06-096 CMR 101]

B. Lane shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

C. Lane shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the primary and secondary rock crushers. The operation log shall be kept on-site at the rock crushing location. [06-096 CMR 115, BPT]

(18) **New Source Performance Standards for rock crushers**

The PRI2536TEL, SEC4SY and SEC48TEL rock crushers are subject to 40 CFR Part 60 Subparts A and OOO and Lane shall comply with the notification and record keeping requirements of 40 CFR Part 60.676 and Part 60.7, except for Section (a)(2) of 60.7 per Subpart OOO, §60.676(h).

(19) **Heater HYCO 200**

A. Emissions from the HYCO 200 Heater shall be limited to the following: [06-096 CMR 103 and 06-096 CMR 115, BPT]

Pollutant	lb/hr
PM	0.24
PM_{10}	0.24
SO_2	1.41
NO_x	0.29
CO	0.07
VOC	0.00

B. Visible emissions from the HYCO 200 shall not exceed 20% opacity on a six (6) minutes block average basis, except for no more than one (1) six (6) minute block average in a 3-hour period.
C. Fuel use and fuel sulfur content limitations for the HYCO 200 are contained in Condition 16(G).

(20) **Stockpiles and Roadways**

Visible emissions from a fugitive emission source shall not exceed 20% opacity, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20% in any one (1) hour. [06-096 CMR 101]

(21) **General Process Sources**

Visible emissions from any general process source shall (including conveyor belts) not exceed 10% opacity on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [06-096 CMR 101 and 06-096 CMR 115, BPT]

(22) **Equipment Relocation** [06-096 CMR 115, BPT]

A. Lane shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

(23) Lane shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [06-096 CMR 115, BPT]

(24) Lane shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard [38 M.R.S.A. §605-C].

DONE AND DATED IN AUGUSTA, MAINE THIS 4th DAY OF March 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brooks for
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 11, 2009
Date of application acceptance: March 30, 2009

Date filed with the Board of Environmental Protection:

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.

FILED
MAR - 5 2010
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE